

REMARKS

Applicant respectfully requests consideration of the subject application as amended herein. This Amendment is submitted in response to an Office Action mailed on August 12, 2004. Claims 1-10, 13-15, 19-24, 26 and 27 are rejected. In this Amendment claims 11, 16, and 25 have been amended only to put the claims in their independent form. No new matter has been added by this Amendment.

Claims 1-10, 13-15, 19-24 and 26-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsujii, et al., (U.S. Patent No. 6,641,670, hereinafter “Tsujii”) in view of Semba (U.S. Patent No. 5,854,953, hereinafter “Semba”). Applicant respectfully disagrees and submits the following remarks.

With regard to Claim 1, Tsujii did not teach, disclose, or even suggest “the buffer tank to maintain a relatively constant level of polymer solution.” The Examiner erroneously believes that Semba disclosed the buffer tank to maintain a relatively constant level of polymer solution. In Semba, an intermediate tank 6 was used.

Mounted outside the intermediate tank 6 are a limit sensor 6a and an empty sensor 6b each consisting of, for example, an electrostatic capacity sensor. The signals generated from these sensors 6a, 6b are supplied to a controller (not shown) so as to control the surface level of the developing solution 2 within the tank 1. (See Semba, col. 5, lines 62-67).

As can be gathered from Semba, the limit sensor 6a and the empty sensor 6b are included and intended for controlling the level of the developing solution 2 in tank 1. There is no indication, teaching, disclosure, or suggestion that the intermediate tank 6 is to maintain a relatively constant level of solution as recited in Claim 1 of Applicant’s invention. If any, such teaching tends to suggest that tank 6 goes up and down, hence the

existence of the limit sensor 6a and the empty sensor 6b. As clearly stated in Semba, the limit sensor 6a and the empty sensor 6b are there to control the surface level of tank 1.

Therefore, the teaching or discussion of Semba did not pertain to maintaining the level of the solution in a buffer tank relatively constant. Combining Semba to Tsujii would have not allowed one of ordinary skill in the art to derive to elements of Claim 1 as none of Semba or Tsujii discussed, taught, disclosed, suggest or even motivate the buffer tank to maintain a relatively constant level of polymer solution. Thus, Semba and Tsujii could have not made obvious Claim 1.

With respect to Claims 2-6, these claims depend from Claim 1. The discussion similarly above applied to Claims 2-6.

With respect to Claims 7-9, these claims depend from Claim 1. The discussion similarly above applied to Claims 7-9. In addition, Claims 7-9 recite a “momentary valve.” The momentary valve prevents excess inert gas into the solution source, prevents inadvertent neglect of turning off the valve, prevents micro bubbles, requires manual press down onto the valve to supply gas into the solution source or configured to open only for a predetermined amount of turn on time. The momentary valve thus can control gas into the solution source so that no excess gas is applied. (See Applicant’s Specification, p 11-12, [0030]). As recited in Claim 7, “the momentary valve to allow pressure to be applied to the polymer solution source, wherein a controlled activation of the momentary valve is needed to allow pressure to be applied to the polymer solution source.” Such feature was not discussed, taught, disclosed, suggested, or even motivated in Semba or Tsujii. Thus, Semba or Tsujii, alone or in combination could have not made obvious Claims 7-9.

With respect to Claim 10, the claim depends from Claim 1. The discussion similarly above applied to Claim 10. In addition, Claim 10 recites “...wherein a fluid sensor is

coupled to the polymer solution source, the fluid sensor configured to detect the polymer solution level in the polymer solution source, and wherein the sensor is capable of shutting off the enable valve when the polymer solution level in the polymer solution source is detected to be substantially low or empty.” The sensors in Semba are mounted to the intermediate tank 6 and not the solution source tank 1. The fluid sensor in Claim 10 is coupled to the polymer solution source. Thus, Semba or Tsuji, alone or in combination could have not made obvious Claim 10.

With respect to Claim 13, Claim 13 is similar to Claim 1 and Claim 7. Claim 13 recites, “the buffer tank in a continuous fluid path, the buffer tank to maintain a relatively constant level of polymer solution” and Claim 13 also recites a “momentary valve.” As previously discussed, there is no indication, teaching, disclosure, or suggestion that the intermediate tank 6 is to maintain a relatively constant level of solution as recited in Claim 13 of Applicant’s invention. Additionally, the momentary valve that controls “pressure applied to the polymer solution source to transfer polymer solution into the buffer tank, wherein the pressure is only applied for a predetermined amount of time” was not taught or suggested by either Semba or Tsuji. Thus, Semba or Tsuji, alone or in combination could have not made obvious Claim 13.

With respect to Claims 14-15 and 19-22, these claims depend from Claim 13. The discussion similarly above applied to Claims 14-15 and 19-22. The discussion similarly above applied to Claims 14-15 and 19-22. In addition, Claim 15 recites a fluid sensor that is coupled to the polymer solution source, configured to detect the polymer solution level in the polymer solution source, and capable of shutting off the enable valve when the polymer solution level in the polymer solution source is detected to be substantially low or empty. Such feature was not taught or discussed in Semba or Tsuji. Thus, Semba or Tsuji, alone

or in combination could have not made obvious Claims 14-15 and 19-22.

With respect to Claims 23-24 and 26-27, these claims are similar to Claim 1 and Claim 7. The discussion for Claim 1 thus similarly is applicable to Claims 23-24 and 26-27. Thus, Semba or Tsujii, alone or in combination could have not made obvious Claims 23-24 and 26-27.

Applicant submits that the pending claims are thus allowable over the cited reference.

Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 11-12, 16-18 and 25 contain allowable subject matter if rewritten in independent form

In view of these amendments and remarks, Applicant respectfully submits that claims 11-12, 16-18, and 25 are now in condition for allowance, and request allowance of said claims.

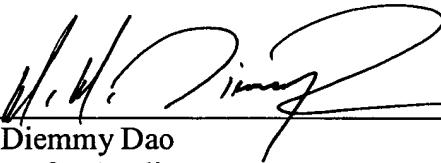
If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Mimi Dao at (408) 720-8300.

Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

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